

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-29160-2023

Date of decision: 22.12.2023

Naval Thapar

....Petitioner

Versus

Union of India and others

....Respondents\

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

**Present: Mr. Atul Goyal, Advocate,
for the petitioner.**

ARUN PALLI, J. (Oral)

The petitioner herein has prayed for the following substantive relief:-

“Civil Writ Petition under Articles 226 of the Constitution of India, for the issuance of a Writ in the nature of Certiorari for setting aside the completion certificate dated 24.01.2019 (P-3) granted in favour of the respondent No.7 as the same has been granted by flouting the rules and without following due process of law and is actuated with malice, in the interest of equity and justice.

And

It is further prayed that appropriate writ in the nature of Mandamus be granted thereby directing the respondent officials to act upon their orders/report dated 15.09.2022 (P-5), 24.03.2023 (P-6), 08.10.2021 (P-8), 31.05.2023 (P-10), 26.05.2023 (P-11) in the interest of equity and justice.”

Learned counsel for the petitioner submits that apparently, the completion certificate dated 24.01.2019 (P-3), issued in favour of

Eldeco Infrastructure & Properties Pvt. Ltd. (respondent No.7) is illegal, for numerous reports indicate lack of public amenities and violations by respondent No.7. And, despite these reports, the completion certificate has not been cancelled. So much so, he submits that pursuant to the complaint made by the ELDECO Shubhkarman Welfare Society, a show cause notice dated 06.09.2022 (P-4), as regards violation of the lay out plan and not providing drinking water to the residents, was issued to respondent No.7. Further, the report dated 17.09.2021 (P-7), reveals that unclean drinking water was/is being supplied. Likewise, the report dated 08.10.2021 (P-8) shows the defects in the sewerage system. And even vide communication dated 15.09.2022 (P-5), issued by the Punjab Urban Development Authority to the Greater Ludhiana Area Development Authority, a clarification was sought, as to how the completion certificate was issued for the project. He submits that despite orders dated 15.09.2022 (P-5), 24.03.2023 (P-6), 08.10.2021 (P-8), 31.05.2023 (P-10) and 26.05.2023 (P-11), the matter has not made any tangible progress.

Served with the advance copy of the petition, Mr. Satya Pal Jain, learned Additional Solicitor General of India, along with Mr. Vikram Bajaj, Senior Panel Counsel, for respondent No.1, and Mr. V.G. Jauhar, learned Additional Advocate General, Punjab, are present in Court.

At the outset, learned State counsel submits that since the competent authority is already in seisin of the matter, it would be expedient if the petition is disposed of, at this stage, to enable it to address the concerns/grievances of the petitioner, as sought to be raised in the petition. And take necessary measures, if required, in accordance with law. He submits that if necessary, the petitioner shall also be afforded a hearing.

Learned counsel for the petitioner is in agreement with the course suggested by the learned State counsel, and submits that let this petition be disposed of, in terms of the statement made by him. However, it is urged that the authorities be directed to do the needful within a specified time.

In response, learned State counsel, on instructions from Mr. Rajesh Mahajan, SDE (Public Health) and Mr. Devinder Goel, Law

Officer, GLADA, submits that the necessary measures, as indicated above, shall be resorted to, within a period of eight weeks from today.

The petition is accordingly disposed of, in terms of the statements made by learned counsel for the parties.

Needless to assert that this order shall not constitute any expression of opinion on the merits of the case of either party, for, as indicated above, the competent authority shall examine the concerns/grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

22.12.2023
Ak Sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No